THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5348 OF 2006

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Dated: 18-03-2006

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BETWEEN

G. Gopi Sridhar,

S/o. G.V.G.K. Reddy,

R/o. Plot No.304 K/III,

Road No.78, Jubilee

Hills, Hyderabad and

another.

...PETITIONERS

AND

Government of Andhra Pradesh,

Rep. by its Secretary, Revenue

Department, Secretariat,

Hyderabad and others.

...RESPONDENTS

ORDER:

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This writ petition is filed by the petitioners seeking a declaration that the action of the respondents, especially the fifth respondent,

in not registering the sale deed executed by Smt. V. Kamalamma in their favour in respect of Plot No.136 admeasuring 1166 sq. yards situated in S.No.5/3 of Raidurg Panmaktha Village, Serilingampally Mandal, Ranga Reddy District as illegal and arbitrary.

It is not in dispute that in respect of the said land, L.G.C.No.13 of 2004 filed by the Government of Andhra Pradesh is pending on the file of the Special Court under the A.P. Land Grabbing (Prohibition Act), Hyderabad. Though the Government of A.P. filed I.A.No.353 of 2004 seeking a direction to the respondents not to make any constructions in the application schedule land, during the pendency of the Land Grabbing Case, the Special Court by order dated 27-12-2004 closed the said Application observing that any alienation made or any construction made in the schedule property shall be subject to the result of the main LGC.

In the circumstances, the learned counsel for the petitioner contends that the registering authority ought to have received the sale deed presented for registration and ought to have processed the same in accordance with law.

The learned Government Pleader appearing for the respondents submits that any such transaction shall be subject to the outcome of the Land Grabbing Case pending before the Special Court.

If the said land is an assigned land included in a list of assigned lands in the district prepared by the District Collector, it is always open for the registering authority to refuse to register the same but in the absence of any such list available with regard to the assigned lands or Government poramboke lands, it may not be just and proper for the registering authority to refuse to register the said lands.

Having regard to the facts and circumstances of the case and particularly in view of the order passed by the Special Court in I.A.No.353 of 2004, the writ petition is disposed of with a direction to the respondents to receive the document executed by
Smt. V. Kamalamma in favour of the petitioners in respect of the land in S.No.136 in S.No.5/3 of Raidurg Panmaktha Village, as and when presented and process and register the same in accordance with law. However, it is made clear that the order of the Special Court in I.A.No.353 of 2004 in LGC.No.13 of 2004 shall be binding on the petitioners and their vendor and the transaction in question shall be subject to the result of the main LGC.

It is also made clear that in case there is any other objection for registering the document, it is open for the registering authority to raise such objection, but the same shall be communicated to the petitioners and their vendor within a period of two weeks from the date of receipt of a copy of this order.

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V. ESWARAIAH, J

March 18, 2006

Note: Furnish C.C. of the order by 20.03.2006

(**B/o**)

DSK